

107TH CONGRESS  
1ST SESSION

# H. R. 2217

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## AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any  
2 money in the Treasury not otherwise appropriated, for the  
3 Department of the Interior and related agencies for the  
4 fiscal year ending September 30, 2002, and for other pur-  
5 poses, namely:

6 TITLE I—DEPARTMENT OF THE INTERIOR

7 BUREAU OF LAND MANAGEMENT

8 MANAGEMENT OF LANDS AND RESOURCES

9 For expenses necessary for protection, use, improve-  
10 ment, development, disposal, cadastral surveying, classi-  
11 fication, acquisition of easements and other interests in  
12 lands, and performance of other functions, including main-  
13 tenance of facilities, as authorized by law, in the manage-  
14 ment of lands and their resources under the jurisdiction  
15 of the Bureau of Land Management, including the general  
16 administration of the Bureau, and assessment of mineral  
17 potential of public lands pursuant to Public Law 96–487  
18 (16 U.S.C. 3150(a)), \$768,711,000, to remain available  
19 until expended, of which \$1,000,000 is for high priority  
20 projects which shall be carried out by the Youth Conserva-  
21 tion Corps, defined in section 250(c)(4)(E)(xii) of the Bal-  
22 anced Budget and Emergency Deficit Control Act of 1985,  
23 as amended, for the purposes of such Act; of which  
24 \$2,225,000 shall be available for assessment of the min-  
25 eral potential of public lands in Alaska pursuant to section

(e) MINE CLOSURE AND REHABILITATION.—The closing and rehabilitation of the Mine (including closing of the mine shafts, site grading, and surface revegetation) shall be conducted in accordance with—

(1) the regulatory requirements of the State of Utah, the Mine Safety and Health Administration, and the Occupational Safety and Health Administration; and

(2) other applicable law.

## TITLE II—RELATED AGENCIES

### DEPARTMENT OF AGRICULTURE

#### FOREST SERVICE

##### FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$236,979,000, to remain available until expended.

##### STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$277,771,000, to remain available until expended, as authorized by law, of which \$60,000,000 is for the Forest Legacy Program,

1       The Secretary of Agriculture may authorize the sale  
2 of excess buildings, facilities, and other properties owned  
3 by the Forest Service and located on the Green Mountain  
4 National Forest, the revenues of which shall be retained  
5 by the Forest Service and available to the Secretary with-  
6 out further appropriation and until expended for mainte-  
7 nance and rehabilitation activities on the Green Mountain  
8 National Forest.

9                   DEPARTMENT OF ENERGY

10       FOSSIL ENERGY RESEARCH AND DEVELOPMENT

11       For necessary expenses in carrying out fossil energy  
12 research and development activities, under the authority  
13 of the Department of Energy Organization Act (Public  
14 Law 95–91), including the acquisition of interest, includ-  
15 ing defeasible and equitable interests in any real property  
16 or any facility or for plant or facility acquisition or expan-  
17 sion, and for conducting inquiries, technological investiga-  
18 tions and research concerning the extraction, processing,  
19 use, and disposal of mineral substances without objection-  
20 able social and environmental costs (30 U.S.C. 3, 1602,  
21 and 1603), \$579,000,000, to remain available until ex-  
22 pended, of which \$150,000,000 is to be available, after  
23 coordination with the private sector, for a request for pro-  
24 posals for a Clean Coal Power Initiative providing for com-  
25 petitively-awarded research, development and demonstra-

tion of commercial scale technologies to reduce the barriers to continued and expanded coal use: *Provided*, That all awards shall be cost-shared with industry participants: *Provided further*, That in order to enhance the return to the taxpayer, provisions for royalties from commercialization of funded technologies shall be included in the program solicitation, including provisions for reasonable royalties from sale or licensing of technologies from both domestic and foreign transactions: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

#### NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out engineering studies to determine the cost of development, the predicted rate and quantity of petroleum recovery, the methodology, and the equipment specifications for development of Shannon Formation at Naval Petroleum Reserve Numbered 3, utilizing a below-the-reservoir production method, \$17,371,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be

1 available for all naval petroleum and oil shale reserve ac-  
2 tivities.

3 ELK HILLS SCHOOL LANDS FUND

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses in fulfilling installment pay-  
6 ments under the Settlement Agreement entered into by  
7 the United States and the State of California on October  
8 11, 1996, as authorized by section 3415 of Public Law  
9 104–106, \$36,000,000, to be derived by transfer from  
10 funds appropriated in prior years under the heading  
11 “Clean Coal Technology”.

12 ENERGY CONSERVATION

13 For necessary expenses in carrying out energy con-  
14 servation activities, \$940,805,000 to remain available  
15 until expended: *Provided*, That \$311,000,000 shall be for  
16 use in energy conservation grant programs as defined in  
17 section 3008(3) of Public Law 99–509 (15 U.S.C. 4507):  
18 *Provided further*, That notwithstanding section 3003(d)(2)  
19 of Public Law 99–509, such sums shall be allocated to  
20 the eligible programs as follows: \$249,000,000 for weath-  
21 erization assistance grants and \$62,000,000 for State en-  
22 ergy conservation grants: *Provided further*, That the Sec-  
23 retary of Energy may waive up to 50 percent of the cost-  
24 sharing requirement for weatherization assistance for a  
25 State which he finds to be experiencing fiscal hardship or  
26 major changes in energy markets or suppliers or other

temporary limitations on its ability to provide matching funds, provided that the State is demonstrably engaged in continuing activities to secure non-Federal resources and that such waiver is limited to 1 fiscal year and that no State may be granted such waiver more than twice: *Provided further*, That, hereafter, Indian tribal direct grantees of weatherization assistance shall not be required to provide matching funds.

#### ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, \$1,996,000, to remain available until expended.

#### STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$179,009,000, to remain available until expended, of which \$8,000,000 shall be available for maintenance of a Northeast Home Heating Oil Reserve.

#### ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$78,499,000, to remain available until expended.

1 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

2 Appropriations under this Act for the current fiscal  
3 year shall be available for hire of passenger motor vehicles;  
4 hire, maintenance, and operation of aircraft; purchase, re-  
5 pair, and cleaning of uniforms; and reimbursement to the  
6 General Services Administration for security guard serv-  
7 ices.

8 From appropriations under this Act, transfers of  
9 sums may be made to other agencies of the Government  
10 for the performance of work for which the appropriation  
11 is made.

12 None of the funds made available to the Department  
13 of Energy under this Act shall be used to implement or  
14 finance authorized price support or loan guarantee pro-  
15 grams unless specific provision is made for such programs  
16 in an appropriations Act.

17 The Secretary is authorized to accept lands, build-  
18 ings, equipment, and other contributions from public and  
19 private sources and to prosecute projects in cooperation  
20 with other agencies, Federal, State, private or foreign:  
21 *Provided*, That revenues and other moneys received by or  
22 for the account of the Department of Energy or otherwise  
23 generated by sale of products in connection with projects  
24 of the Department appropriated under this Act may be  
25 retained by the Secretary of Energy, to be available until



1 expended, and used only for plant construction, operation,  
2 costs, and payments to cost-sharing entities as provided  
3 in appropriate cost-sharing contracts or agreements: *Pro-*  
4 *vided further*, That the remainder of revenues after the  
5 making of such payments shall be covered into the Treas-  
6 ury as miscellaneous receipts: *Provided further*, That any  
7 contract, agreement, or provision thereof entered into by  
8 the Secretary pursuant to this authority shall not be exe-  
9 cuted prior to the expiration of 30 calendar days (not in-  
10 cluding any day in which either House of Congress is not  
11 in session because of adjournment of more than 3 calendar  
12 days to a day certain) from the receipt by the Speaker  
13 of the House of Representatives and the President of the  
14 Senate of a full comprehensive report on such project, in-  
15 cluding the facts and circumstances relied upon in support  
16 of the proposed project.

17       No funds provided in this Act may be expended by  
18 the Department of Energy to prepare, issue, or process  
19 procurement documents for programs or projects for  
20 which appropriations have not been made.

21       In addition to other authorities set forth in this Act,  
22 the Secretary may accept fees and contributions from pub-  
23 lic and private sources, to be deposited in a contributed  
24 funds account, and prosecute projects using such fees and

1 contributions in cooperation with other Federal, State or  
2 private agencies or concerns.

3 DEPARTMENT OF HEALTH AND HUMAN  
4 SERVICES

5 INDIAN HEALTH SERVICE

6 INDIAN HEALTH SERVICES

7 For expenses necessary to carry out the Act of Au-  
8 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-  
9 tion Act, the Indian Health Care Improvement Act, and  
10 titles II and III of the Public Health Service Act with re-  
11 spect to the Indian Health Service, \$2,390,014,000, to-  
12 gether with payments received during the fiscal year pur-  
13 suant to 42 U.S.C. 238(b) for services furnished by the  
14 Indian Health Service: *Provided*, That funds made avail-  
15 able to tribes and tribal organizations through contracts,  
16 grant agreements, or any other agreements or compacts  
17 authorized by the Indian Self-Determination and Edu-  
18 cation Assistance Act of 1975 (25 U.S.C. 450), shall be  
19 deemed to be obligated at the time of the grant or contract  
20 award and thereafter shall remain available to the tribe  
21 or tribal organization without fiscal year limitation: *Pro-*  
22 *vided further*, That \$15,000,000 shall remain available  
23 until expended, for the Indian Catastrophic Health Emer-  
24 gency Fund: *Provided further*, That \$445,776,000 for con-  
25 tract medical care shall remain available for obligation

1 the daily equivalent of the annual rate of pay for positions  
2 at level IV of the Executive Schedule for each day such  
3 member is engaged in the actual performance of duties.

4 UNITED STATES HOLOCAUST MEMORIAL COUNCIL

5 HOLOCAUST MEMORIAL MUSEUM

6 For expenses of the Holocaust Memorial Museum, as  
7 authorized by Public Law 96–388 (36 U.S.C. 1401), as  
8 amended (36 U.S.C. 2301–2310), \$36,028,000, of which  
9 \$1,900,000 for the museum’s repair and rehabilitation  
10 program and \$1,264,000 for the museum’s exhibitions  
11 program shall remain available until expended.

12 PRESIDIO TRUST

13 PRESIDIO TRUST FUND

14 For necessary expenses to carry out title I of the Om-  
15 nibus Parks and Public Lands Management Act of 1996,  
16 \$22,427,000, shall be available to the Presidio Trust, to  
17 remain available until expended.

18 TITLE III—GENERAL PROVISIONS

19 SEC. 301. The expenditure of any appropriation  
20 under this Act for any consulting service through procure-  
21 ment contract, pursuant to 5 U.S.C. 3109, shall be limited  
22 to those contracts where such expenditures are a matter  
23 of public record and available for public inspection, except  
24 where otherwise provided under existing law, or under ex-  
25 isting Executive Order issued pursuant to existing law.

1        SEC. 302. No part of any appropriation contained in  
2 this Act shall be available for any activity or the publica-  
3 tion or distribution of literature that in any way tends to  
4 promote public support or opposition to any legislative  
5 proposal on which congressional action is not complete.

6        SEC. 303. No part of any appropriation contained in  
7 this Act shall remain available for obligation beyond the  
8 current fiscal year unless expressly so provided herein.

9        SEC. 304. None of the funds provided in this Act to  
10 any department or agency shall be obligated or expended  
11 to provide a personal cook, chauffeur, or other personal  
12 servants to any officer or employee of such department  
13 or agency except as otherwise provided by law.

14       SEC. 305. No assessments may be levied against any  
15 program, budget activity, subactivity, or project funded by  
16 this Act unless advance notice of such assessments and  
17 the basis therefor are presented to the Committees on Ap-  
18 propriations and are approved by such committees.

19       SEC. 306. None of the funds in this Act may be used  
20 to plan, prepare, or offer for sale timber from trees classi-  
21 fied as giant sequoia (*Sequoiadendron giganteum*) which  
22 are located on National Forest System or Bureau of Land  
23 Management lands in a manner different than such sales  
24 were conducted in fiscal year 2001.

1        SEC. 307. None of the funds made available by this  
2 Act may be obligated or expended by the National Park  
3 Service to enter into or implement a concession contract  
4 which permits or requires the removal of the underground  
5 lunchroom at the Carlsbad Caverns National Park.

6        SEC. 308. None of the funds made available in this  
7 Act may be used: (1) to demolish the bridge between Jer-  
8 sey City, New Jersey, and Ellis Island; or (2) to prevent  
9 pedestrian use of such bridge, when it is made known to  
10 the Federal official having authority to obligate or expend  
11 such funds that such pedestrian use is consistent with gen-  
12 erally accepted safety standards.

13        SEC. 309. (a) LIMITATION OF FUNDS.—None of the  
14 funds appropriated or otherwise made available pursuant  
15 to this Act shall be obligated or expended to accept or  
16 process applications for a patent for any mining or mill  
17 site claim located under the general mining laws.

18        (b) EXCEPTIONS.—The provisions of subsection (a)  
19 shall not apply if the Secretary of the Interior determines  
20 that, for the claim concerned: (1) a patent application was  
21 filed with the Secretary on or before September 30, 1994;  
22 and (2) all requirements established under sections 2325  
23 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)  
24 for vein or lode claims and sections 2329, 2330, 2331,  
25 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and

37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2002, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

1        SEC. 310. Notwithstanding any other provision of  
2 law, amounts appropriated to or earmarked in Committee  
3 reports for the Bureau of Indian Affairs and the Indian  
4 Health Service by Public Laws 103–138, 103–332, 104–  
5 134, 104–208, 105–83, 105–277, 106–113, and 106–291  
6 for payments to tribes and tribal organizations for con-  
7 tract support costs associated with self-determination or  
8 self-governance contracts, grants, compacts, or annual  
9 funding agreements with the Bureau of Indian Affairs or  
10 the Indian Health Service as funded by such Acts, are the  
11 total amounts available for fiscal years 1994 through 2001  
12 for such purposes, except that, for the Bureau of Indian  
13 Affairs, tribes and tribal organizations may use their trib-  
14 al priority allocations for unmet indirect costs of ongoing  
15 contracts, grants, self-governance compacts or annual  
16 funding agreements.

17        SEC. 311. Notwithstanding any other provision of  
18 law, for fiscal year 2002 the Secretaries of Agriculture and  
19 the Interior are authorized to limit competition for water-  
20 shed restoration project contracts as part of the “Jobs in  
21 the Woods” Program established in Region 10 of the For-  
22 est Service to individuals and entities in historically tim-  
23 ber-dependent areas in the States of Washington, Oregon,  
24 northern California and Alaska that have been affected by  
25 reduced timber harvesting on Federal lands. The Secre-

1 taries shall consider the benefits to the local economy in  
2 evaluating bids and designing procurements which create  
3 economic opportunities for local contractors.

4 SEC. 312. (a) RECREATIONAL FEE DEMONSTRATION  
5 PROGRAM.—Subsection (f) of section 315 of the Depart-  
6 ment of the Interior and Related Agencies Appropriations  
7 Act, 1996 (as contained in section 101(c) of Public Law  
8 104–134; 110 Stat. 1321–200; 16 U.S.C. 460l–6a note),  
9 is amended—

10 (1) by striking “commence on October 1, 1995,  
11 and end on September 30, 2002” and inserting “end  
12 on September 30, 2006”; and

13 (2) by striking “September 30, 2005” and in-  
14 serting “September 30, 2009”.

15 (b) EXPANSION OF PROGRAM.—Subsection (b) of  
16 such section is amended by striking “no fewer than 10,  
17 but as many as 100,”.

18 (c) REVENUE SHARING.—Subsection (d)(1) of such  
19 section is amended by inserting “the Secure Rural Schools  
20 and Community Self-Determination Act of 2000 (Public  
21 Law 106–393; 16 U.S.C. 500 note),” before “and any  
22 other provision”.

23 (d) DISCOUNTED FEES.—Subsection (b)(2) of such  
24 section is amended by inserting after “testing” the fol-



lowing: “, including the provision of discounted or free admission or use as the Secretary considers appropriate”.

(e) SPECIAL USE PERMITS.—Subsection (b) of such section is amended—

(1) in paragraph (4), by striking “and” at the end of the paragraph;

(2) in paragraph (5), by striking the period at the end of the paragraph and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(6) in fiscal year 2003 and thereafter may retain, for distribution and use as provided in subsection (c), fees imposed by the Forest Service for the issuance of recreation special use authorizations not exceeding 1 year under any provision of law.”.

(f) CAPITAL PROJECTS.—Subsection (c)(2) of such section is amended by adding at the end the following new subparagraph:

“(D) None of the funds collected under this section may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate if the estimated total cost of the structure exceeds \$500,000.”.

1        SEC. 313. All interests created under leases, conces-  
2 sions, permits and other agreements associated with the  
3 properties administered by the Presidio Trust, hereafter  
4 shall be exempt from all taxes and special assessments of  
5 every kind by the State of California and its political sub-  
6 divisions.

7        SEC. 314. None of the funds made available in this  
8 or any other Act for any fiscal year may be used to des-  
9 ignate, or to post any sign designating, any portion of Ca-  
10 navaeral National Seashore in Brevard County, Florida, as  
11 a clothing-optional area or as an area in which public nu-  
12 dity is permitted, if such designation would be contrary  
13 to county ordinance.

14        SEC. 315. Of the funds provided to the National En-  
15 dowment for the Arts—

16            (1) The Chairperson shall only award a grant  
17 to an individual if such grant is awarded to such in-  
18 dividual for a literature fellowship, National Herit-  
19 age Fellowship, or American Jazz Masters Fellow-  
20 ship.

21            (2) The Chairperson shall establish procedures  
22 to ensure that no funding provided through a grant,  
23 except a grant made to a State or local arts agency,  
24 or regional group, may be used to make a grant to  
25 any other organization or individual to conduct ac-

tivity independent of the direct grant recipient.  
Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 316. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 317. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National

1 Endowment for the Arts shall ensure that priority is given  
2 to providing services or awarding financial assistance for  
3 projects, productions, workshops, or programs that serve  
4 underserved populations.

5 (b) In this section:

6 (1) The term “underserved population” means  
7 a population of individuals, including urban minori-  
8 ties, who have historically been outside the purview  
9 of arts and humanities programs due to factors such  
10 as a high incidence of income below the poverty line  
11 or to geographic isolation.

12 (2) The term “poverty line” means the poverty  
13 line (as defined by the Office of Management and  
14 Budget, and revised annually in accordance with sec-  
15 tion 673(2) of the Community Services Block Grant  
16 Act (42 U.S.C. 9902(2))) applicable to a family of  
17 the size involved.

18 (c) In providing services and awarding financial as-  
19 sistance under the National Foundation on the Arts and  
20 Humanities Act of 1965 with funds appropriated by this  
21 Act, the Chairperson of the National Endowment for the  
22 Arts shall ensure that priority is given to providing serv-  
23 ices or awarding financial assistance for projects, produc-  
24 tions, workshops, or programs that will encourage public

1 knowledge, education, understanding, and appreciation of  
2 the arts.

3 (d) With funds appropriated by this Act to carry out  
4 section 5 of the National Foundation on the Arts and Hu-  
5 manities Act of 1965—

6 (1) the Chairperson shall establish a grant cat-  
7 egory for projects, productions, workshops, or pro-  
8 grams that are of national impact or availability or  
9 are able to tour several States;

10 (2) the Chairperson shall not make grants ex-  
11 ceeding 15 percent, in the aggregate, of such funds  
12 to any single State, excluding grants made under the  
13 authority of paragraph (1);

14 (3) the Chairperson shall report to the Con-  
15 gress annually and by State, on grants awarded by  
16 the Chairperson in each grant category under sec-  
17 tion 5 of such Act; and

18 (4) the Chairperson shall encourage the use of  
19 grants to improve and support community-based  
20 music performance and education.

21 SEC. 318. None of the funds in this Act may be used  
22 to support Government-wide administrative functions un-  
23 less such functions are justified in the budget process and  
24 funding is approved by the House and Senate Committees  
25 on Appropriations.

1        SEC. 319. Notwithstanding any other provision of  
2 law, none of the funds in this Act may be used for GSA  
3 Telecommunication Centers.

4        SEC. 320. None of the funds in this Act may be used  
5 for planning, design or construction of improvements to  
6 Pennsylvania Avenue in front of the White House without  
7 the advance approval of the House and Senate Committees  
8 on Appropriations.

9        SEC. 321. Amounts deposited during fiscal year 2001  
10 in the roads and trails fund provided for in the fourteenth  
11 paragraph under the heading “FOREST SERVICE” of  
12 the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501),  
13 shall be used by the Secretary of Agriculture, without re-  
14 gard to the State in which the amounts were derived, to  
15 repair or reconstruct roads, bridges, and trails on National  
16 Forest System lands or to carry out and administer  
17 projects to improve forest health conditions, which may  
18 include the repair or reconstruction of roads, bridges, and  
19 trails on National Forest System lands in the wildland-  
20 community interface where there is an abnormally high  
21 risk of fire. The projects shall emphasize reducing risks  
22 to human safety and public health and property and en-  
23 hancing ecological functions, long-term forest productivity,  
24 and biological integrity. The projects may be completed  
25 in a subsequent fiscal year. Funds shall not be expended

1 under this section to replace funds which would otherwise  
2 appropriately be expended from the timber salvage sale  
3 fund. Nothing in this section shall be construed to exempt  
4 any project from any environmental law.

5 SEC. 322. Other than in emergency situations, none  
6 of the funds in this Act may be used to operate telephone  
7 answering machines during core business hours unless  
8 such answering machines include an option that enables  
9 callers to reach promptly an individual on-duty with the  
10 agency being contacted.

11 SEC. 323. No timber sale in Region 10 shall be adver-  
12 tised if the indicated rate is deficit when appraised under  
13 the transaction evidence appraisal system using domestic  
14 Alaska values for western red cedar: *Provided*, That sales  
15 which are deficit when appraised under the transaction  
16 evidence appraisal system using domestic Alaska values  
17 for western red cedar may be advertised upon receipt of  
18 a written request by a prospective, informed bidder, who  
19 has the opportunity to review the Forest Service's cruise  
20 and harvest cost estimate for that timber. Program accom-  
21 plishments shall be based on volume sold. Should Region  
22 10 sell, in fiscal year 2001, the annual average portion  
23 of the decadal allowable sale quantity called for in the cur-  
24 rent Tongass Land Management Plan in sales which are  
25 not deficit when appraised under the transaction evidence

1 appraisal system using domestic Alaska values for western  
2 red cedar, all of the western red cedar timber from those  
3 sales which is surplus to the needs of domestic processors  
4 in Alaska, shall be made available to domestic processors  
5 in the contiguous 48 United States at prevailing domestic  
6 prices. Should Region 10 sell, in fiscal year 2001, less  
7 than the annual average portion of the decadal allowable  
8 sale quantity called for in the current Tongass Land Man-  
9 agement Plan in sales which are not deficit when ap-  
10 praised under the transaction evidence appraisal system  
11 using domestic Alaska values for western red cedar, the  
12 volume of western red cedar timber available to domestic  
13 processors at prevailing domestic prices in the contiguous  
14 48 United States shall be that volume: (i) which is surplus  
15 to the needs of domestic processors in Alaska; and (ii) is  
16 that percent of the surplus western red cedar volume de-  
17 termined by calculating the ratio of the total timber vol-  
18 ume which has been sold on the Tongass to the annual  
19 average portion of the decadal allowable sale quantity  
20 called for in the current Tongass Land Management Plan.  
21 The percentage shall be calculated by Region 10 on a roll-  
22 ing basis as each sale is sold (for purposes of this amend-  
23 ment, a “rolling basis” shall mean that the determination  
24 of how much western red cedar is eligible for sale to var-  
25 ious markets shall be made at the time each sale is award-



1 ed). Western red cedar shall be deemed “surplus to the  
2 needs of domestic processors in Alaska” when the timber  
3 sale holder has presented to the Forest Service docu-  
4 mentation of the inability to sell western red cedar logs  
5 from a given sale to domestic Alaska processors at price  
6 equal to or greater than the log selling value stated in  
7 the contract. All additional western red cedar volume not  
8 sold to Alaska or contiguous 48 United States domestic  
9 processors may be exported to foreign markets at the elec-  
10 tion of the timber sale holder. All Alaska yellow cedar may  
11 be sold at prevailing export prices at the election of the  
12 timber sale holder.

13       SEC. 324. The Forest Service, in consultation with  
14 the Department of Labor, shall review Forest Service  
15 campground concessions policy to determine if modifica-  
16 tions can be made to Forest Service contracts for camp-  
17 grounds so that such concessions fall within the regulatory  
18 exemption of 29 CFR 4.122(b). The Forest Service shall  
19 offer in fiscal year 2002 such concession prospectuses  
20 under the regulatory exemption, except that, any pro-  
21 spectus that does not meet the requirements of the regu-  
22 latory exemption shall be offered as a service contract in  
23 accordance with the requirements of 41 U.S.C. 351–358.

24       SEC. 325. A project undertaken by the Forest Service  
25 under the Recreation Fee Demonstration Program as au-

1 thorized by section 315 of the Department of the Interior  
2 and Related Agencies Appropriations Act for Fiscal Year  
3 1996, as amended, shall not result in—

4           (1) displacement of the holder of an authoriza-  
5 tion to provide commercial recreation services on  
6 Federal lands. Prior to initiating any project, the  
7 Secretary shall consult with potentially affected  
8 holders to determine what impacts the project may  
9 have on the holders. Any modifications to the au-  
10 thorization shall be made within the terms and con-  
11 ditions of the authorization and authorities of the  
12 impacted agency.

13           (2) the return of a commercial recreation serv-  
14 ice to the Secretary for operation when such services  
15 have been provided in the past by a private sector  
16 provider, except when—

17                   (A) the private sector provider fails to bid  
18 on such opportunities;

19                   (B) the private sector provider terminates  
20 its relationship with the agency; or

21                   (C) the agency revokes the permit for non-  
22 compliance with the terms and conditions of the  
23 authorization.

24           In such cases, the agency may use the Recreation Fee  
25 Demonstration Program to provide for operations until a

1 subsequent operator can be found through the offering of  
2 a new prospectus.

3 SEC. 326. For fiscal years 2002 and 2003, the Sec-  
4 retary of Agriculture is authorized to limit competition for  
5 fire and fuel treatment and watershed restoration con-  
6 tracts in the Giant Sequoia National Monument and the  
7 Sequoia National Forest. Preference for employment shall  
8 be given to dislocated and displaced workers in Tulare,  
9 Kern and Fresno Counties, California, for work associated  
10 with the establishment of the Giant Sequoia National  
11 Monument.

12 SEC. 327. EXPEDITIOUS TREATMENT OF FOREST  
13 PLAN REVISIONS.—The Secretary of Agriculture shall  
14 complete revisions to all land and resource management  
15 plans to manage a unit of the National Forest System pur-  
16 suant to Section 6 of the Forest and Rangeland Renew-  
17 able Resources Planning Act of 1974 (16 U.S.C. 1604)  
18 as expeditiously as practicable using the funds provided  
19 for that purpose by this Act.

20 SEC. 328. Until September 30, 2003, the authority  
21 of the Secretary of Agriculture to enter into a cooperative  
22 agreement under the first section of Public Law 94–148  
23 (16 U.S.C. 565a–1) for a purpose described in such sec-  
24 tion includes the authority to use that legal instrument  
25 when the principal purpose of the resulting relationship

1 is to the mutually significant benefit of the Forest Service  
2 and the other party or parties to the agreement, including  
3 nonprofit entities.

4 SEC. 329. (a) PILOT PROGRAM AUTHORIZING CON-  
5 VEYANCE OF EXCESS FOREST SERVICE STRUCTURES.—  
6 The Secretary of Agriculture may convey, by sale or ex-  
7 change, any or all right, title, and interest of the United  
8 States in and to excess buildings and other structures lo-  
9 cated on National Forest System lands and under the ju-  
10 risdiction of the Forest Service. The conveyance may in-  
11 clude the land on which the building or other structure  
12 is located and such other land immediately adjacent to the  
13 building or structure as the Secretary considers necessary.

14 (b) LIMITATION.—Not more than 10 conveyances  
15 may be made under the authority of this section, and the  
16 Secretary of Agriculture shall obtain the concurrence of  
17 the Committee on Appropriations of the House of Rep-  
18 resentatives and the Committee on Appropriations of the  
19 Senate in advance of each conveyance.

20 (c) USE OF PROCEEDS.—The proceeds derived from  
21 the sale of a building or other structure under this section  
22 shall be retained by the Secretary of Agriculture and shall  
23 be available to the Secretary, without further appropria-  
24 tion until expended, for maintenance and rehabilitation ac-

1 tivities within the Forest Service Region in which the  
2 building or structure is located.

3 (d) DURATION OF AUTHORITY.—The authority pro-  
4 vided by this section expires on September 30, 2005.

5 SEC. 330. Section 551(c) of the Land Between the  
6 Lakes Protection Act of 1998 (16 U.S.C. 460lll–61(c)) is  
7 amended by striking “2002” and inserting “2004”.

8 SEC. 331. Section 323(a) of the Department of the  
9 Interior and Related Agencies Appropriations Act, 1999,  
10 as included in Public Law 105–277, Div. A, section 101(e)  
11 is amended by inserting “and fiscal years 2002 through  
12 2005,” before “to the extent funds are otherwise avail-  
13 able”.

14 SEC. 332. No funds made available under this Act  
15 shall be made available to any person or entity who has  
16 been convicted of violating the Act of March 3, 1933 (41  
17 U.S.C. 10a–10c, popularly know as the “Buy American  
18 Act”).

19 SEC. 333. No funds provided in this Act may be ex-  
20 pended to conduct preleasing, leasing and related activities  
21 under either the Mineral Leasing Act (30 U.S.C. 181 et  
22 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.  
23 1331 et seq.) within the boundaries of a National Monu-  
24 ment established pursuant to the Act of June 8, 1906 (16  
25 U.S.C. 431 et seq.) as such boundary existed on January

1 20, 2001, except where such activities are allowed under  
2 the Presidential proclamation establishing such monu-  
3 ment.

4 SEC. 334. None of the funds in this Act may be used  
5 to execute a final lease agreement for oil or gas develop-  
6 ment in the area of the Gulf of Mexico known as Lease  
7 Sale 181 prior to April 1, 2002.

8 SEC. 335. None of the funds made available in this  
9 Act may be used to suspend or revise the final regulations  
10 published in the Federal Register on November 21, 2000,  
11 that amended part 3809 of title 43, Code of Federal Regu-  
12 lations.

13 This Act may be cited as the “Department of the In-  
14 terior and Related Agencies Appropriations Act, 2002”.

Passed the House of Representatives June 21, 2001.

Attest:

*Clerk.*

107TH CONGRESS  
1ST SESSION

# H. R. 2217

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## AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.